

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

Allen J. Huguely, Leon C. Cade	)
Kenny R. Taylor, Mark A. Edwards,	)
Derrick Brooks, Marcus Boyd,	)
LaVon Sledge and Deedre Williams	)
Plaintiffs	)
	)
v	)
	)
General Motors, LLC	)
	)
Defendant	)

ROY, SHECTER & VOCHT, P.C.
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COMPLAINT WITH JURY DEMAND

Plaintiffs, Allen J. Huguely, Leon C. Cade, Kenny R. Taylor, Mark A. Edwards, Derrick Brooks, Marcus Boyd, LaVon Sledge and Deedre Williams, represented by their attorneys, Roy, Shecter & Vocht, P.C., complain:

1. This lawsuit challenges overt acts and statements of race discrimination

which permeate the environment with an underlying atmosphere of violent racial hate and bullying at General Motors, LLC.'s GM Powertrain & Fabrications plant located at 1455 West Alexis Road, Toledo, OH 43612.

2. At all relevant times the Plaintiffs, Allen J. Huguely [Huguely], Leon C. Cade [Cade], Kenny R. Taylor [Taylor], Mark A. Edwards [Edwards], Derrick Brooks [Brooks], Marcus Boyd [Boyd], LaVon Sledge [Sledge] and Deedre Williams [Williams] were employed at the GM plant when the racially inflammatory acts took place.

3. On March 16, 2018, the Ohio Civil Rights Commission [OCRC] found in letters of determination, on behalf of the plaintiffs Huguely, Cade, Taylor and Edwards, that there was probable cause that GM engaged in unlawful discriminatory practices. Further, on April 5, 2018 OCRC denied GM's request for reconsideration.

4. This case is brought under 42 U.S.C. § 1981 and venue is proper in the United States District Court, Northern Division under 28 U.S.C. § 1391, for all events occurred in Toledo, Ohio.

5. The Casing Machine Department where Plaintiffs Huguely, Cade, Taylor, and Brooks were stationed and the Assembly Line Room where Boyd, LaVon and Williams were stationed are specific areas of the GM plant that are adjacent to each

other. The 1st shift is scheduled 7:00 a.m. to 3:30 p.m. The 2nd shift is scheduled from 3:00 p.m. to 11:30 p.m. The 3rd shift is scheduled from 11:00 p.m. to 7:30 a.m. There is a 30 minute period, prior to shift time, where the next shift is informed what happened during the previous shift and any work orders for the upcoming shift are communicated.

6. Huguely is an African-American who began his employment with GM on February 16, 1976, and has been employed as a machine operator since 2010 in the Case Machining Department in Toledo, Ohio. Huguely is assigned to the 2nd shift.

7. Cade is an African-American who began his employment with GM in 1985 and who was employed in the Casing Machine Department from 2011 up to his date of retirement in late 2017. Cade was assigned to the 2nd Shift.

8. Taylor is an African-American who began his employment with GM on June 7, 1982, and has been employed as a machine operator in the Casing Machine Department in Toledo since May 11, 2015. Taylor is assigned to the 2nd shift.

9. Edwards is an African-American who began his employment with GM in September 1977, and has been employed as a machine operator in the Casing Machine Department in Toledo since 2015. Edwards is assigned to the 2nd shift.

10. Brooks is an African-American and who was the group leader for the 3rd

shift in the Casing Machine Department. He became employed at the GM plant in Toledo in 2015.

11. Boyd is an African-American and who, since 2015, is a Group Leader for the 1st shift in the Assembly Room.

12. Sledge is an African-American who became employed as a production worker in the Rear Wheel Drive area of the Assembly Room, first as a temporary employee, beginning in July of 2014, and then as a full-time employee on February 29, 2016.

13. Williams is an African-American who became employed as quality operator in the Rear Wheel Drive area of the Assembly Room in May 2012.

14. On March 22, 2017, three lynching nooses, with intricately and carefully tied knots were hanged in the Casing Machine Department on retractable lanyards between the finish and start of the 2nd and 3rd shifts. They were attached to the ceiling and a valve. They were discovered at approximately 11:35 p.m.

15. On April 25, 2017, a noose was hanged in the Assembly Room between the 1st and 2nd shifts.

16. On or about May 2, 2017, during 2nd shift, a noose was fashioned and hanged against a machine on the rear wheel drive Assembly Room. An African-American worker saw the rope, and told his supervisor.

17. On or about June 2, 2017, a White employee threw a rope that looked like a noose at an African-American employee. GM determined that this activity was merely horseplay, and suspended the White employee under the horseplay rule for only 30 days.

18. These acts as well as others, more particularly described below, were considered by all plaintiffs to be acts of violent race discrimination, statements of hate personally affecting them as African-Americans, and as forming a hostile work environment instilling fear, anxiety, and recalling a legacy of reprehensible crimes against African-Americans.

19. In addition to the nooses, more fully described above, the plaintiffs and other African-American employees have been subject to vilification and racially hostile remarks and epithets within the last four years. This conduct that has spread like wildfire throughout the plant, includes but is not limited to the following:

- i. White employees calling African-American employees “Boy”;
- ii. A female African-American employee being called a “dumb Black crackhead bitch”;
- iii. Swastikas painted and scratched on restroom stalls;
- iv. Stick figures drawn or scratched on bathroom stalls with nooses around their necks;

- v. Drawings and scratching of pistols and guns on the bathroom stalls;
- vii. Magazines such as “*Guns and Ammo*” touting the use of guns put on machines and in the break room;
- viii. Caucasian employees publicly stating that they are carrying guns in their cars and trucks parked on GM property;
- ix. Caucasians wearing shirts underneath their coveralls with visible Nazi symbols on them;
- x. Calling African-American employees “monkey”;
- xi. African-American employees being warned “to be careful” because a white employee’s “daddy was in the Klu Klux Klan”;
- xii. African-American employees being told to go back to Africa where they belong;
- xiii. “Whites Only” signs hung on bathroom stall doors and written on walls outside the Men’s room;
- xiv. A White supervisor announcing, during a supposed team meeting about racial tolerance, “[W]hat’s the big deal about nooses, there was never a Black person who was lynched that didn’t deserve it.” That White supervisor was not disciplined;
- xv. White employees calling African-American employees “DAN”, which

is an acronym for “Dumb Ass N*****;

xvi. A White employee intimidating an African-American employee by yelling in his ear in the breakroom, “Hey you be in my chair”, and pulling on the back side of the chair practically knocking the African-American over backwards;

xvii. “Blacks suck”, and “N*****s not allowed” scratched or written on the bathroom walls;

xviii. An African American being told to “watch his back when driving;”

xix. Writing on a White female’s property “N*****” Lover” because she happened to be seen walking with an African-American in the plant;

xx. A White person advising an African-American to get a gun to defend himself;

xxi. Refusing to listen and to work for African-American team leaders, including causing the assembly line to shut down;

xxii. Making threats of great bodily harm to beat an African-American team leader with a shovel and a clutch, and to shoot him with a gun;

xxiii. Making fun of the NAACP by cartoon characterization.

19. The writings were scratched or written, not only into bathrooms where the production workers and contract employees frequented, but also were scratched or written on to the walls and stalls of the bathrooms next to the administrative offices

which employees, including supervisors and administrators used.

20. A White female who was seeing an African-American, when she ran for union office, had her election posters defaced with racial slurs and drawings of black penises sticking out of her mouth or scrawled on other places on the poster.

21. The posters, described above, were put all over the plant.

22. The failure of GM to take prompt corrective action concerning the above-depicted activities created an atmosphere whereby the hate-driven employees felt free to hang nooses, display racist graffiti, and verbally attack and racially insult African-Americans. These symbols of the historical torture and lynching of African-Americans touched each of the plaintiffs, were a personal affront to each's dignity and caused each to fear for his or her safety.

23. It was not until late June of 2017 that GM developed a Critical Action Plan to address their overt and patent cases of mistreatment and malice.

24. It was not until late June 2017 that GM sought perfunctory interviews of the skilled tradesmen who used the lanyard ropes as part of their functions and duties working at heights in the plant and who were working in the area of the three nooses hanged on March 22nd.

25. The race discrimination in the workplace was severe and pervasive, and touches upon the core of African-American equality and their right to be free from

the wounds and scars of iniquity.

26. GM did not take reasonable steps equivalent to the severity of unlawful activities so as to meet and remedy the actions of its White employees against its African-American employees.

Count I

VIOLATION OF 42 U.S.C. § 1981

27. Plaintiffs incorporate allegations 1 through 26 as fully set forth.

28. As a result of GM's violation of civil rights, Plaintiffs suffered damage, severe depression and emotional pain and anguish.

29. Under 42 U.S.C. § 1981, Plaintiffs, as African-Americans, have the right to work without offensive racial hostility.

30. GM, in its failure to significantly and meaningfully address the racially hostile environment in which Plaintiffs were compelled to work, violated 42 U.S.C. § 1981.

31. GM violated Plaintiffs' civil rights by fostering a racially hostile, intimidating and offensive environment which was not welcome and which unreasonably interfered with Plaintiffs' rights to equal employment opportunity.

32. GM engaged in racially discriminatory practices toward Plaintiffs with malice or with reckless indifference to their protected rights, and they are entitled

to an award of punitive damages under 42 U.S.C. § 1981(a).

REQUEST FOR RELIEF

Plaintiffs request that this court compensate them for their damages, as well as punitive damages, costs, interest and attorney fees made and provided by statute and court rule, and further award whatever equitable relief the court deems necessary and proper to remedy all violations of 42 U.S.C. § 1981, and to prevent future violations from occurring, including but not limited to:

A) GM shall immediately provide its employees with an environment free of harassment, intimidation, and hostility. GM shall take prompt remedial action inclusive of termination of those responsible for the hostile environment and race discrimination to insure an environment free of racial harassment;

B) GM shall immediately take security measures, including cameras or increased surveillance of the plant floor, as a deterrent to employee acts of violence, racial harassment, noose-making, simulated lynching, threats and inflammatory speech;

C) GM shall immediately remove any racist graffiti on walls, stalls, and any other surfaces. Such surfaces shall be scrubbed, painted or permanently covered no matter the size or age of the offending graffiti. All graffiti

should be assumed to be hostile no matter whether GM understands the acronyms or not.

D) Any employee found to have defaced any workplace or breakroom or bathroom with racial comments or depictions shall be disciplined immediately and severely, including termination;

E) Any employee overheard or observed by any other employee, management or otherwise, making any threat of physical violence that has racial undertones shall be severely disciplined, including termination;

F) GM shall establish a position within the facility to serve as an Equal Employment Officer with responsibility for continuous training of employees on state and federal anti-discrimination laws, writing appropriate EEO and anti-discrimination policies and procedures for addressing complaints of discrimination in the facility, and investigating complaints of discrimination in the workplace. GM will provide a job description of the position to the Court within 60 days of judgment. Once the position is filled, GM shall notify the Court of the name and credentials of the successful candidate within 30 days after the employee begins employment in this position. This individual shall be responsible for notifying this Court every three months concerning any racially-charged events in the plant and the actions of GM to avert, to deter or to punish such actions;

G) Within 180 days of judgment, GM shall establish regular training sessions to be conducted twice per year with a minimum of two (2) hours of training for supervisory and non-supervisory staff on state and federal anti-discrimination laws. The training curriculum shall be submitted to the Court in advance of the training.

i) GM's management and supervisory employees will be the first to receive the training described above. Training will be facilitated by GM's newly created Equal Employment Officer.

ii) All management and supervisory employees promoted or transferred to the Toledo facility will receive individual training upon entry into the facility by the Equal Employment Officer.

iii) EEO personnel will additionally train all non-supervisory employees twice per year, and familiarize employees with security measures taken to assure that equality and equal safety is to be enforced within the plant and in the parking lot of the plant.

iv) GM shall provide a copy of the training materials and a list of attendees to the Court for a period of time to be determined by the Court. The training program shall be submitted for the Court's approval.

H) GM's EEO/Discrimination policy and procedure written or

revised shall be provided to the Court for a period to be determined by the Court. The policy/procedure shall inform employees of their rights to file complaints of discrimination, harassment, retaliation, and hostile work environment under the various civil rights laws and shall include a notification of options of persons to whom they may complain internally as well as notification of the right to file a charge with the Ohio Civil Rights Commission and/or the Equal Employment Opportunity Commission.

I) GM agrees to provide assistance to employees and will take necessary steps to ensure employees can work in an environment free from harassment and retaliation, inclusive of a transfer to a different shift, plant or location upon request and if feasible.

J) GM shall seek every means available to protect the victims of harassment, inclusive of transfer to another department and/or removal of the harassing person.

The Court shall retain jurisdiction for a period of time, to be determined by the Court, to assure that the equitable safeguards and remedial measures that this Court adjudges comports with this Court's orders.

ROY, SHECTER & VOCHT, P.C.

/s/Michelle E. Vocht

Michelle E. Vocht

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Dated: April 30, 2018

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. ☐ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: is **RELATED** to another **PENDING** civil case is a **REFILED** case was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule **3.8**, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY:

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

- | | |
|-------------------------------------|---|
| ☐ AKRON | (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne) |
| ☐ CLEVELAND | (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland) |
| ☐ YOUNGSTOWN | (Counties: Columbiana, Mahoning and Trumbull) |

WESTERN DIVISION

- | | |
|---------------------------------|---|
| ☐ TOLEDO | (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot) |
|---------------------------------|---|

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

)
)
)
)
)
)
)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SANDY OPACICH, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
_____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: